



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking Into Implementation of
Federal Communications Commission Report and Order
04-87, as it Affects the Universal Telephone Service
Program.

R.04-12-001
(Filed December 2, 2004)

REPLY COMMENTS OF AT&T CALIFORNIA (U 1001 C)
ON PROPOSED DECISION

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April 30, 2007

AT&T California hereby submits its reply comments in response to the opening comments filed by Cox California Telecom (“Cox”), the Greenling Institute (“Greenlining”), the Small LECs,¹ SureWest Telephone (“SureWest”), the Joint Consumers,² and Verizon California Inc. (“Verizon”) on April 23, 2007. These opening comments addressed the Proposed Decision (“PD”) regarding Lifeline matters issued April 3, 2007 in this proceeding.³

I. AT THIS TIME, THE PD SHOULD NOT REVISE THE CURRENT PROCESS WHEREBY CUSTOMERS BEGIN TO RECEIVE THE LIFELINE DISCOUNT AT THE TIME THEY SIGN UP FOR TELEPHONE SERVICE.

Verizon, SureWest, and the Small LECs recommend the existing process be changed so that customers pay full residential rates until their eligibility in the Lifeline program is certified.⁴ Under this proposal, once customers are certified, they are placed on the Lifeline program and given a credit for the difference between the residential rate they have been paying and the Lifeline rate, a process referred to as pre-qualification. AT&T believes this is not the time to make such a significant policy change in the Lifeline program. The program went through a significant change in July 2006. To move to pre-qualification while the program is still in flux would create further confusion with customers. The proposed PD has identified many short-term improvement strategies for the existing process, and adequate time should be given to realize these improvements in the program.

Moreover, the Staff Report has identified that long-term strategies are also needed to improve the Lifeline program and has slated Phase II to look at these proposals. Staff has

¹ Cal-Ore Telephone Co.; Calaveras Telephone Company; Ducor Telephone Company; Foresthill Telephone Co.; Global Valley Networks, Inc.; Happy Valley Telephone Company; Hornitos Telephone Company; Kerman Telephone Co.; Pinnacles Telephone Co.; Sierra Telephone Company, Inc.; The Ponderosa Telephone Co.; The Siskiyou Telephone Company; Volcano Telephone Company; and Winterhaven Telephone Company.

² The Utility Reform Network (“TURN”); The National Consumer Law Center; Disability Rights Advocates; and Latino Issues Forum.

³ Greenlining faults the Commission for not incorporating cell phones as part of Lifeline service. Greenlining, pp. 3-4. This issue is currently pending in R.06-05-028, where AT&T California has recommended Lifeline support for services other than wireline, including wireless service. Since the issue is being addressed there, it should not be included here. Greenlining also requests the Low-Income Oversight Board take up the issue of participation in Lifeline programs. *Id.* at 8. This request should be rejected because Lifeline issues are already addressed by the ULTS Advisory Committee.

⁴ Verizon, p. 4; Small LECS, p. 6; SureWest, pp. 11-12.

identified pre-qualification as one of the possible long-term strategies. AT&T California believes that pre-qualification and other long-term strategies need to be thoroughly reviewed before any of these types of changes are made. AT&T California further believes that the Commission should include a schedule for Phase II in the adopted decision.

II. THE NEW CARRIER REMINDER NOTICE IN THE PD WILL ASSIST CUSTOMERS AND SHOULD BE INCLUDED IN THE FINAL DECISION.

Cox,⁵ SureWest,⁶ and the Small LECs⁷ oppose the PD's amendment to G.O. 153 to require carriers to send reminder notices to new customers. AT&T California supports the adoption of a carrier reminder notice to new customers because we anticipate that such a notice will assist customers in understanding the certification process. One of the issues that has arisen since the implementation of changes to the Lifeline process is that customers do not recognize mailed materials from Solix as related to their telephone service. The reminder notice from the carriers will help customers realize that the continuity of the Lifeline discount for their telephone service is tied to completion of the forms received from Solix.

III. THE REVISIONS TO THE TIMEFRAMES FOR THE LIFELINE PROCESS IN THE PD SHOULD BE ADOPTED.

The PD increases the timeframes for returning certain forms as set forth in G.O. 153.⁸ Greenlining requests that further extensions be granted for the return of certification forms and correction forms, as well as a 15-day grace period for the late receipt of verification forms.⁹ We believe that the PD strikes the right balance in authorizing certain extensions to the existing timeframes. The revised timeframes are reasonable, and no other party has requested extensions beyond those in the PD.

Greenlining does not explain why additional extensions are merited. Furthermore, when the timeframe for certification is extended, it raises issues of backbilling

⁵ Cox, pp. 3-5.

⁶ SureWest, pp. 3-4.

⁷ Small LECs, pp. 8-9.

⁸ PD, pp. 10-11.

⁹ Greenlining, p. 5.

customers as discussed below. The longer the intervals allowed for processing the Lifeline forms, the greater the backbilled amount if the customer is ultimately not certified in the program. For these reasons, we recommend that only the time extensions set forth in the PD be adopted.

IV. THE PD SHOULD BE REVISED TO CLARIFY THAT CARRIERS MAY BACKBILL CUSTOMERS WHO ARE DECERTIFIED FOR MORE THAN THREE MONTHS OF SERVICE.

Cox and the Small LECs interpret the Commission's rules to limit backbilling to three months. Cox comments that there is a 90-day backbilling limitation in D.86-12-025, and this limitation is found in most carriers' tariffs.¹⁰ The Small LECs, however, point out that a strict interpretation of G.O. 153 would require carriers to backbill customers for longer periods of time, depending on when information is received from Solix. The Small LECs state the new certification timeframes in the PD could create more situations where customers are backbilled for an extended period of time. To avoid backbilling for long periods of time, the Small LECs request an amendment to the PD to state that the ULTS fund will cover any undue discounts received beyond a three-month period for customers who are ultimately decertified.¹¹

These comments by Cox and the Small LECs point to a difference in opinion as to whether carriers can backbill for more than 90 days. In fact, G.O. 153, section 5.4.4 allows for backbilling of all Lifeline discounts received by a customer who is subsequently disqualified, regardless of how long ago the customer received such discounts. We suggest the PD be clarified so that there is no misunderstanding that carriers are allowed to backbill disqualified customers for more than 90 days.

The Joint Consumers request that customers be given three months to pay backbilled amounts.¹² To implement this suggestion would require us to incur costs to implement changes to our billing systems. We do not believe such changes should be ordered

¹⁰ Cox, p. 2.

¹¹ Small LECs, pp. 10-11.

¹² Joint Consumers, p. 8.

given that, currently, customers can request payment arrangements from us so that they have more time to pay their bills. These arrangements are determined on a case-by-case basis based on each customer's situation.

V. AT&T CALIFORNIA SUPPORTS QUARTERLY TRUE-UPS BETWEEN SOLIX AND THE CARRIERS.

Cox requests the PD be revised to require Solix to provide a monthly true-up with each carrier.¹³ The Small LECs and Verizon recommend quarterly true-ups.¹⁴ AT&T California supports quarterly, not monthly, true-ups. In our estimation, there would be little, if any, benefit to monthly true-ups. Any such benefits are outweighed by the time and resources required to conduct monthly true-ups.

VI. THE PD SHOULD BE REVISED TO REAFFIRM THAT THE WEB-BASED LIFELINE SYSTEM ORDERED IN D.05-12-013 WILL BE IMPLEMENTED BY JULY 1, 2008.

As discussed by the Small LECs, the Commission has already ordered that a web-based enrollment system begin within one year of the implementation of the certifying agent's contract and that the web-based system be implemented one year after the work on the project begins.¹⁵ Specifically, the work on the web-based system must begin on July 1, 2007 and be completed by July 1, 2008.¹⁶ We support the development of the web-based system and suggest the PD be revised to reaffirm the Commission's commitment to begin this project this summer and complete it by July 1, 2008.

VII. CONCLUSION

At this time, the decision adopted by the Commission should affirm that customers will continue to be eligible for Lifeline discounts at the time they subscribe to

¹³ Cox, p. 5. Cox also requests the Working Groups meet on a monthly basis rather than weekly. The Working Groups have recently adjusted their meeting schedule from weekly to bi-weekly. The Working Groups should be allowed the flexibility to adjust their meeting schedules as needed and not have a meeting schedule set by Commission decision.

¹⁴ Small LECs, pp. 2, 11-12; Verizon, pp. 2, 6-8.

¹⁵ Small LECs, p. 7 (discussing D.05-12-013, p. 59, Findings of Fact 4-6).

¹⁶ *Id.* (citing Staff Report, p. 15).

telephone service. Additionally, to improve the customer's experience, we support the PD's adoption of a new carrier reminder notice and extended timeframes for processing Lifeline forms. We also request that the adopted decision state (1) that carriers may backbill for all Lifeline discounts received by a customer, who is decertified from Lifeline service, even if such backbilling is for more than 90 days, (2) that the true-up between Solix and the carriers occur quarterly; and (3) that the Lifeline web-based system be implemented by July 1, 2008.

Dated at San Francisco, California, this 30th day of April 2007.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the **REPLY COMMENTS OF AT&T CALIFORNIA (U 1001 C) ON PROPOSED DECISION** in **R.04-12-001** by electronic mail and/or by hand-delivery to the person in the official Service List.

Executed this 30th day of April 2007, at San Francisco, California.

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CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

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